

MICHIGAN SUPREME COURT



Office of Public Information

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DISQUALIFICATION PROCEDURE FOR JUSTICES, CHIEF JUDGE APPOINTMENTS FOR STATE COURTS, ARE ON AGENDA FOR NOV. 5 MICHIGAN SUPREME COURT PUBLIC ADMINISTRATIVE CONFERENCE

LANSING, MI, November 3, 2009 – The process for recusing a [Michigan Supreme Court](#) justice from participating in a case will be on the agenda for the Court's public administrative conference on November 5.

The administrative conference will follow the Court's [oral arguments](#), which begin at 9:30 a.m.

Under the Court's current practice, if a party moves for a justice's disqualification, that justice decides whether he or she can participate in the case and is not required to explain the decision in writing. The Court is contemplating possible rules ([ADM 2009-04](#)) which would change that procedure.

The Supreme Court will also consider chief judge appointments for the [Michigan Court of Appeals](#) and state trial courts. The Court makes chief judge appointments in odd-numbered years for a two-year term that begins on January 1 of the next even-numbered year; under Michigan Court Rule 8.110, "each trial court with two or more judges may submit the names of no fewer than two judges whom the judges of that court recommend for selection as chief judge." The Supreme Court may appoint a recommended candidate or choose another judge who was not nominated.

Also on the Court's agenda is a proposed addition to the Michigan Rules of Professional Conduct, which set ethical requirements for attorneys. MRPC 1.15A ([ADM 2008-13](#)), proposed by the State Bar of Michigan, would require lawyers to maintain client trust accounts in approved financial institutions. Those institutions would agree to notify the attorney and the Attorney Grievance Commission, which investigates and prosecutes attorney misconduct, if the trust account is overdrawn. The attorney would then be required to explain the overdraft to the AGC. A staff comment to the proposed rule explains that "[t]he proposal is intended to provide an early warning of improprieties so that corrective action may be taken."

Included on the Court's agenda are other possible court rule changes, an update from Chief Justice Marilyn Kelly, approval of minutes from prior conferences, and additional administrative matters. The conference is open to the public.

The conference will take place in the Court's courtroom on the 6th floor of the [Michigan Hall of Justice](#) in Lansing. The proceedings will be broadcast on Michigan Government Television; go to <http://www.mgtv.org> for program schedules. Video of the conference may also be viewed online at the State Bar of Michigan "Virtual Court" web site at <http://www.michbar.org/courts/virtualcourt.cfm>. Video is posted online within 24 to 48 hours of the conference.

The agenda for this and future conferences may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/AdminConf.htm>. Published administrative proposals, and related comments, are available online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

Other agenda items include:

- ADM 2009-06, Proposed Amendments of Rules 5.5 of the Michigan Rules of Professional Conduct.
Whether to publish for comment the proposed amendments of Rule 5.5 of the Michigan Rules of Professional Conduct with revisions related to cross-references to MCR 8.126 made in the comment section of the order.
- ADM 2009-27, Proposed Model Rule to Provide Legal Services After Determination of Major Disaster (to travel with 2009-06).
Whether to publish for comment a rule proposed by the State Bar of Michigan that would establish guidelines for provision of legal services after a major disaster has been determined.
- ADM 2009-18, Proposed Amendment of Rule 7.211(C)(9) of the Michigan Court Rules.
Whether to publish for comment a proposed amendment of Rule 7.211(C)(9) of the Michigan Court Rules to keep under seal in the Court of Appeals any materials that are the subject of a motion to seal while the motion is pending.
- ADM 2009-25, Proposed Amendment of Rule 8.120(D)(1) of the Michigan Court Rules.
Whether to publish for comment a proposed amendment of Rule 8.120(D)(1) of the Michigan Court Rules that would allow a law student to appear on an indigent person's behalf in the Court of Appeals and Supreme Court.

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